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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

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|------------------------------|---|---------------|
| SANDRA SOHO, |) | CV 09-3001-PA |
| |) | |
| Plaintiff, |) | ORDER |
| |) | |
| v. |) | |
| |) | |
| STATE OF OREGON DEPARTMENT |) | |
| OF JUSTICE; KLAMATH COUNTY |) | |
| CIRCUIT COURT; JUDGE |) | |
| ISAACSON; AND DOES I through |) | |
| X, inclusive, |) | |
| Defendants. |) | |

PANNER, Judge.

I previously denied Plaintiff Sandra Soho's request for a temporary restraining order enjoining the Klamath County Circuit Court from proceeding with trial in a criminal matter.

I now grant Defendants' motion to dismiss this action without prejudice. For the reasons stated in the order denying the request for a temporary restraining order, very few circumstances that justify a federal court enjoining a pending state criminal proceeding. See Younger v. Harris, 401 U.S. 37 (1971). This case does not implicate any of those circumstances.

In addition, the trial that Soho had asked this court to enjoin is now complete. Any direct appeal from the verdict must be filed with the state court, and not in this federal court. Oregon also has procedures that must be followed by persons seeking post-conviction relief. Those procedures do not begin in a federal court. No other relief is appropriate at this time.

Conclusion

Defendants' Motion (# 6) to Dismiss is granted. This action is dismissed without prejudice.

IT IS SO ORDERED.

DATED this 17th day of February, 2009.


OWEN M. PANNER
UNITED STATES DISTRICT JUDGE